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DEC 30 2004

**OFFICE OF PETITIONS**

In re Application of	:	
Huang et al.	:	
Application No. 10/720,833	:	DECISION REFUSING STATUS
Filed: November 24, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. P2025/N8958	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 26, 2004 (certificate of mailing July 22, 2004). Applicants obtained a three-month extension of time to reply. Accordingly, the petition is filed timely.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Applicants filed the above-identified application on November 24, 2003, without an executed oath or declaration. Accordingly, on February 24, 2004, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring an executed oath or declaration, the basic statutory filing fee and a surcharge for their late filing.

In response, on July 26, 2004 (certificate of mailing July 22, 2004), applicants filed the present petition, a declaration signed by three inventors, a request for a three-month extension of time to reply, and paid the necessary fees.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicants lack items (2) and (4) as set forth above.

As to item (2), applicants failed to submit an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64. Applicants submitted a 6 page signed declaration listing only three inventors. The declaration does not identify the nonsigning inventor, Dave Snyder, by name, residence, mailing address, or citizenship. The Office notes that the oath or declaration must identify the country of citizenship, as well as "[t]he mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor. . . ." 37 CFR 1.63(c)(1). Accordingly, to correct the deficiencies, applicants must submit an oath or declaration in compliance with 37 CFR 1.63 and 1.67, which identifies the entire inventive entity, the mailing address and citizenship of each inventor, and is signed by the three signing inventors on behalf of the nonsigning inventor, Mr. Snyder.

As to item (4), applicants failed to set forth the last known address of the non-signing inventor in the present petition.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Christina Tartera Donnell, Senior Petitions Attorney:**

By mail:            Mail Stop Petition  
                          Commissioner for Patents  
                          P.O. Box 1450  
                          Alexandria, VA 22313-1450

By FAX:            (703) 872-9306  
                         Attn: Office of Petitions

By hand:            U.S. Patent and Trademark Office  
                         220 20<sup>th</sup> Street S.  
                         Customer Window, Mail Stop Petition  
                         Crystal Plaza Two, Lobby, Room 1B03  
                         Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

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Senior Petitions Attorney  
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